

**APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
November 10, 2004

MEMBERS

Nicholas F. Barba
John R. Davis
Alexander T. Hamilton
Frederick W. Harvell
Alfred E. Ptasznik, Jr.
Andrew A. Simasek
John W. Staton

CALL TO ORDER

Vice Chair Alfred E. Ptasznik, Jr. called the regular meeting to order at 7:00 p.m.

REMARKS

Vice Chair Ptasznik remarked that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

ROLL CALL

The roll was called and all members were present except Messrs. Harvell and Simasek. Staff members present were J. Mark Carter, James E. Barnett, Jr., Timothy C. Cross, Amy Parker, and Earl Anderson.

APPROVAL OF MINUTES

Mr. Barba moved adoption of the minutes of the regular meeting October 13, 2004. By roll call vote, they were adopted unanimously.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-650-04, William E. Rinehart: Request for a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a 768-square foot accessory apartment on the second floor of an existing detached garage on a 1.12-

acre parcel located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6. The property is zoned R13 (High Density Single-Family Residential District) and is designated for High Density Residential development in the Comprehensive Plan.

Mr. Earl Anderson, Planner, presented a summary of the staff memorandum to the Commission dated October 20, 2004, in which the staff made a recommendation of approval.

Vice Chair Ptasznik opened the public hearing.

Mr. William Edward Rinehart, 202 Sonshine Way, spoke about his application. He explained he had planned for some time to convert the upper floor of his garage to an accessory apartment and because of low interest rates on borrowed money this is an opportune time to do it. **Mr. Rinehart** said he had intentionally selected the same roof height and pitch as his next-door neighbor's two-story garage in an effort to create a pleasing and neat appearance. He explained the proposed space would primarily be a game room for his family and friends, but he also wanted to provide minimal sleeping accommodations for visiting family members.

No one else having come forward to speak, **Mr. Ptasznik** closed the public hearing.

Mr. Hamilton moved the adoption of Resolution No. PC04-29.

PC04-29

On motion of Mr. Hamilton, which carried 5:0 (Harvell and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 202
SONSHINE WAY

WHEREAS, William E. Rinehart has submitted Application No. UP-650-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of November, 2004, that Application No. UP-650-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6 subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of an existing two-story detached garage on a 1.12-acre parcel of land located at 202 Sonshine Way (Route 1025) and further identified as Assessor's Parcel No. 17-7-6.
2. The apartment shall be contained within the existing structure located on the eastern side of the subject property as indicated on the sketch plan submitted by the applicant titled "202 Sonshine Way," prepared by The York County Geographic Information Systems Office of the Division of Computer Support Services and received by the Planning Division on September 29, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 29, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. Habitable floor area of the accessory apartment unit shall not contain in excess of 768 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.
9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.

10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-651-04, Holiday Chevrolet-Cadillac, Inc.: Request for a Special Use Permit pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5) to authorize the use of property located at 817 Merrimac Trail as a temporary automobile sales display lot for approximately 80 vehicles. The applicant proposes to display vehicles on this site during the construction of improvements to the primary dealership location at 543 Second Street. The vehicle display area would be established on the existing asphalt parking area at this site. The applicant does not intend to occupy the existing building on the site.

Mr. J. Mark Carter, Assistant County Administrator, made a presentation summarizing the report to the Commission dated October 26, 2004 in which the staff recommended approval.

Mr. Staton inquired as to whether any comments were received from the York County School Division and **Mr. Carter** said staff had notified the School Division and received no response.

Mr. Hamilton asked if the applicant proposes any type of signage, to which **Mr. Carter** noted that no signage is permitted nor does the applicant want to advertise this proposed lot since it will function only as a display lot for overflow inventory while a portion of the main dealership lot at 543 Second Street is being used by construction crews. In reply to **Mr. Barba**, **Mr. Carter** said the existing building on the proposed lot will not be occupied nor will the lot be staffed except by personnel moving display vehicles in and out as needed.

Vice Chair Ptasznik opened the public hearing.

Mr. Art Hudgins, Holiday Chevrolet-Cadillac, Inc., 543 Second Street, Williamsburg, agreed with Mr. Carter's remarks that no signage would be used nor would any personnel staff the proposed display lot.

Mr. Ptasznik closed the public hearing.

Mr. Davis observed that in some jurisdictions a property that remains vacant for a long period of time could forfeit its zoning rights but that does not appear to be the case.

Mr. Hamilton inquired about lighting the subject lot, and **Mr. Carter** explained that existing streetlights cast a dim glow but no additional lighting will be used.

Mr. Hamilton moved to adopt proposed Resolution PC04-30(R).

PC04-30(R)

On motion of Mr. Hamilton, which carried 5:0 (Harvell and Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE AN AUTOMOBILE SALES DISPLAY LOT AT 817
MERRIMAC TRAIL

WHEREAS, Holiday Chevrolet-Cadillac, Inc. has submitted Application No. UP-651-04 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to authorize an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of November, 2004, that Application No. UP-651-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance, to allow an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and identified as Assessor's Parcel No. 10-35, subject to the following conditions:

1. This use permit shall authorize establishment of an automobile sales display lot on property located at 817 Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-35.
2. The automobile sales display lot shall be arranged and located on the site in substantial conformance with the sketch plan submitted by the applicant in conjunction with this application, received on October 5, 2004, and made a part hereof by reference. Prior to occupying the site, the applicant shall be responsible for filing a site plan conforming to the requirements and procedures of the York County Zoning Ordinance.
3. The Special Use Permit authorizing use of this site for an automobile sales display facility shall be limited to a term coinciding with authorized construction activity associated with the

expansion of the primary Holiday Chevrolet-Cadillac dealership facility located at 543 Second Street, or expiring one (1) year from the date of site plan approval for that facility, whichever occurs first. All vehicles shall be removed from the subject property prior to the expiration of the Special Use Permit or prior to the issuance of the Certificate of Occupancy for the expanded primary dealership location, whichever occurs first.

4. Prior to occupying the site the applicant shall present evidence to the Division of Development and Compliance that the site is properly licensed by the Motor Vehicle Dealer Board as an ancillary facility to the primary dealership location at 543 Second Street.
5. The subject site shall be used solely for the display of new vehicles for sale. No used/pre-owned vehicles shall be displayed on the site.
6. There shall be no free-standing or building mounted signage allowed in conjunction with the use.
7. Vehicles shall not be displayed/parked on the south side of the existing building or within 20 feet of the front property line or 10 feet of the side (northern) property line. All vehicles shall be displayed/parked on the existing asphalt surface on the site.
8. Vehicles shall not be unloaded (or loaded) from car carriers/trailers at this site. No vehicle washing, servicing or similar activities shall be permitted on this site.
9. Prior to occupying the site, the applicant shall be responsible for installing landscaping in the existing grassed island in front of the property. Such landscaping shall consist of a minimum of two (2) Weeping Cherry trees and six (6) shrubs.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Adopt Planning Commission Calendar for 2005

Mr. Ptasznik opened the floor for comments or motion. **Mr. Hamilton** moved to adopt proposed Resolution No. PC04-31.

PC04-31

On motion of Mr. Hamilton, which carried 5:0 (Harvell and Simasek absent), the following resolution was adopted:

A RESOLUTION TO ADOPT THE PLANNING COMMISSION SCHEDULE FOR
2005

WHEREAS, the Planning Commission is required by Section 15.2-2214 of the Code of Virginia to fix the time for regular meetings; and

WHEREAS, the Commission designates the second Wednesday of every month as its regular meeting date; and

WHEREAS, the Commission desires that all matters to come before it are scheduled in an orderly and consistent manner;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this 10th day of November, 2004, that it does hereby adopt the Planning Commission Schedule 2005 as its official meeting calendar.

PLANNING COMMISSION SCHEDULE January 1 - December 31, 2005				
PLANNING COMMISSION			BOARD OF SUPERVISORS	
<i>PC Meeting 2005</i>	<i>Deadlineⁱ</i>	<i>Advertise PC</i>	<i>Probable² BOS Meeting 2005</i>	<i>Advertise BOS</i>
Jan 12	Dec 1, 2004	Dec 28 ³ & Jan 4	Feb 1 Feb 15	Jan 17 & 24 Jan 31 & Feb 7
Feb 9	Jan 4	Jan 25 & Feb 1	Mar 1 Mar 15	Feb 14 & 21 Feb 28 & Mar 7
Mar 9	Feb 1	Feb 22 & Mar 1	April 5 Apr 19	Mar 21 & 28 Apr 4 & 11
Apr 13	Mar 1	Mar 29 & Apr 5	May 3 May 17	Apr 18 & 25 May 2 & 9
May 11	Apr 1	Apr 26 & May 3	Jun 7 Jun 21	May 23 & 30 Jun 6 & 13
Jun 8	May 2	May 24 & 31	Jul 19	Jul 4 ³ & 11
Jul 13	Jun 1	Jun 28 & Jul 5	Aug 2 Aug 16	Jul 18 & 25 Aug 1 & 8
Aug 10	Jul 1	Jul 26 & Aug 2	Sept 6 Sept 20	Aug 22 & 29 Sep 5 ³ & 12
Sep 14	Aug 1	Aug 30 & Sep 6	Oct 4 Oct 18	Sep 19 & 26 Oct 3 & Oct 10
Oct 12	Sep 1	Sep 27 & Oct 4	Nov 15	Oct 31 & Nov 7
Nov 9	Oct 3	Oct 25 & Nov 1	Dec 6 Dec 20	Nov 21 ³ & 28 Dec 5 & 12
Dec 14	Nov 1	Nov 29 & Dec 6	Jan 17, 2006	Jan 2 ³ & 9, 2006
Jan 11, 2006	Dec 1	Dec 27 ³ & Jan 3	Feb 7 Feb 21	Jan 23 & 30 Feb 6 & 13

¹ Application for or amendment to a **Planned Development** requires a month longer to process *and therefore must be submitted two (2) months* before Planning Commission public hearing.

² Assuming action by the Planning Commission and placement on the Board agenda.

³ Holiday advertising schedule (staff submit early)

All regular meetings at York Hall, 301 Main Street, Yorktown, Virginia, at 7:00 P.M.

Board of Supervisors meetings call to order at 7:00 PM & public hearings commence at 8:00 PM.

Planning Commission – 2nd Wednesday of each month

Board of Supervisors – 1st and 3rd Tuesday of each month, except only 3rd Tuesday in July & November.

STAFF REPORTS

Mr. Carter noted the applications considered tonight by the Commission would likely go before the Board of Supervisors on December 21, 2004.

COMMITTEE REPORTS

Mr. Nick Barba, Chairman of the Comprehensive Plan Review Steering Committee, reported that the neighborhood meetings were successful in terms of citizen turnout and completion of questionnaires, and he thanked the other Commission-members who attended meetings and supported that effort: Messrs. Davis, Hamilton, and Ptasznik. Mr. Barba announced the Steering Committee will meet November 15, 2004 at 7:00 PM at the EDS Multi-Purpose Room, 105 Service Drive.

Mr. Barba reported on the progress of the Route 17 Revitalization Program Review Committee. Grants totaling \$100,000 were awarded to several Route 17 businesses for revitalization or beautification purposes and discussions are ongoing with salvage yards about fencing and landscaping. The Committee expects to propose an overlay district, Mr. Barba reported, consideration of which will come before the Planning Commission in the near future.

Mr. Ptasznik observed the staff's dedication to the neighborhood meetings and commended them for their hard work. He looked forward to seeing the results.

Mr. Ptasznik noted the positive results of the Route 17 Committee's efforts that are already visible on Route 17.

ADJOURN

The meeting was adjourned at 7:30 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Andrew A. Simasek, Chair

DATE: January 12, 2005
